

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEREMIAH SERGIO AYALA,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MICHAEL VILLANI, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 59261

**FILED**

NOV 13 2011

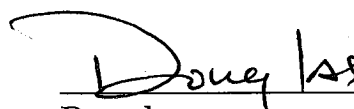
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Ingersoll*  
DEPUTY CLERK

ORDER DENYING PETITION

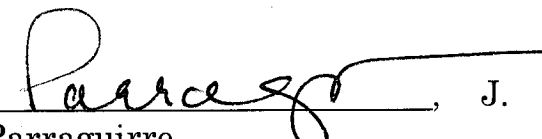
This original petition for a writ of mandamus or prohibition challenges district court rulings (1) denying petitioner's request to redo an evidentiary hearing pursuant to Jackson v. Denno, 378 U.S. 368 (1964), after the original trial judge recused herself before the conclusion of the evidentiary hearing and issuing a ruling on petitioner's suppression motion and (2) compelling petitioner's psychological expert to disclose psychological testing materials directly to prosecutors rather than the State's mental health expert. Having considered the petition and supporting documents, we conclude that our intervention is not warranted regarding the Jackson v. Denno hearing as petitioner has an adequate remedy by way of an appeal should the district court rule his police statements admissible and he is convicted. NRS 34.170; State v. Dist. Ct. (Riker), 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005). We further conclude that petitioner has not demonstrated that the district court

manifestly abused its discretion by compelling the disclosure of psychological testing materials to prosecutors. NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Accordingly, we deny the petition. See NRAP 21(b).

It is so ORDERED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Michael Villani, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk